

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NEW YORK**

WALTER CHOW, as Administrator of the Estate of  
LEROY CHOW, individually and on behalf of all  
others similarly situated,

Plaintiff,

v.

SHOREFRONT OPERATING LLC d/b/a SEAGATE  
REHABILITATION AND NURSING CENTER;  
SHAINDY BERKO; ROCHEL DAVID; LEAH  
FRIEDMAN; DEENA LANDA; ESTHER  
FARKOVITZ; AVI PHILIPSON; BERISH  
RUBINSTEIN; DAVID RUBINSTEIN; BRUSCHA  
SINGER; JOEL ZUPNICK; SHOREFRONT REALTY  
LLC; SENTOSACARE, LLC; and DOES 1-25,

Defendants.

Civil Action  
No. 1:19-cv-03541-FB-SJB

**DECLARATION OF D. GREG BLANKINSHIP IN SUPPORT OF  
PLAINTIFF'S OPPOSITION TO DEFENDANTS' MOTION TO DISMISS**

I, D. Greg Blankinship, declare under penalty of perjury pursuant to 28 U.S.C. § 1746  
that the following are true and correct:

1. I am a partner in the law firm of Finkelstein, Blankinship, Frei-Pearson & Garber, LLP, counsel for Walter Chow, as Administrator of the Estate of Leroy Chow ("Plaintiff"), individually and on behalf of all others similarly situated ("the Class") in the above-captioned action.

2. I respectfully submit this Declaration in support of Plaintiff's Opposition to Defendants' Motion to Dismiss Plaintiffs' First Amended Class Action Complaint.

Exhibit A: *Farruggio et al. v. 918 James Receiver, LLC et al.*, Index

No. 3831/2017 (Onondaga Cnty. Sup. Ct.), Dkt. No. 558, Proposed

Order and Transcript of Hearing and Bench Ruling Denying  
Motion to Dismiss.

Exhibit B: *Jenack et al. v. Goshen Operations, LLC d/b/a/ Sapphire Nursing and Rehab at Goshen et al.*, Ind. No. EF008129/2018, (Orange Cnty. Sup. Ct. Feb. 11, 2019), Dkt. No. 34, Decision and Order Denying Defendants' Motion to Sever.

Exhibit C: *Jenack et al. v. Goshen Operations, LLC d/b/a/ Sapphire Nursing and Rehab at Goshen et al.*, Ind. No. EF008129/2018, (Orange Cnty. Sup. Ct. Sept. 10, 2019), Dkt. No. 100, Decision and Order Granting Defendant's Motion for Class Certification.

Exhibit D: New York Department of Health and Health Planning Council Executive Summary, Project # 131092 E: Shorefront Operating, LLC d/b/a/ Waterfront Rehabilitation and Healthcare Center.

Exhibit E: New York Department of Health and Health Planning Council Executive Summary, Project # 152177-E, TCPRNC, LLC d/b/a The Plaza Rehab and Nursing Center.

Exhibit F: Centers for Medicare and Medicaid Services Ratings for Seagate Rehabilitation and Nursing Center, dating from the first quarter of 2013 through May 2019.

Exhibit G: Allegra Abramo and Jennifer Lehman, *How N.Y.'s Biggest For-Profit Nursing Home Group Flourishes Despite a Record of Patient Harm*, ProPublica, Oct. 27, 2015 (available at

<https://www.propublica.org/article/new-york-for-profit-nursing-home-group-flourishes-despite-patient-harm>).

Executed on October 21, 2019 in White Plains, New York.

**FINKELSTEIN, BLANKINSHIP,  
FREI-PEARSON & GARBER, LLP**

By: /s/ D. Greg Blankinship  
D. Greg Blankinship